

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION (Mobile)**

IN RE:	:	CASE NO: 17-04447-JCO
	:	CHAPTER: 13
	:	
NOAH PRICE TREY OLIVER, III,	:	
	:	
Debtor.	:	
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NOAH PRICE TREY OLIVER, III,	:	
	:	
Movant,	:	CONTESTED MATTER
	:	
vs.	:	
	:	
U.S. BANK NATIONAL ASSOCIATION NOT	:	
IN ITS INDIVIDUAL CAPACITY BUT	:	
SOLELY AS LEGAL TITLE TRUSTEE FOR	:	
RMTP TRUST, SERIES 2021 BKM-TT-V,	:	
	:	
Respondent.	:	

RESPONSE TO MOTION TO SELL PROPERTY

COMES NOW U.S. Bank National Association not in its individual capacity but solely as Legal Title Trustee for RMTP Trust, Series 2021 BKM-TT-V, for itself, its successors and/or assigns ("Respondent"), and shows this Honorable Court that, for the reasons set out below, the Court should inquire into the Debtor's Motion to Sell Property ("Motion"):

1.

Respondent is an entity entitled to enforce a Mortgage and Promissory Note relative to a certain property located at 4033 Marchfield Drive N, Mobile, AL 36693 (the "Property"), *see claim #9*.

2.

On March 19, 2015, Noah Price Oliver, III, executed and delivered, and are otherwise obligated under the terms of, a Promissory Note in the original principal amount of \$342,308.00.

3.

The Debtor filed a Motion to Sell on February 25, 2022 (Dkt. #84). The Motion states the real

property that will be sold is located at 5264 Maudelayne Drive N, Mobile, AL 36693, which the Debtor has a 1/6 interest, for the purchase price of \$149,900.00. However, the Offer to Purchase and Closing Disclosure attachments filed with the Motion state the real property to be sold is located at 4033 Marchfield Drive N, Mobile, AL 36693 for the purchase price of \$420,000.00. Respondent is seeking clarification to which real property is actually being sold.

4.

Respondent does not object to the sale of its Property provided that its lien is paid in full. Respondent additionally states that it will not be required to accept any amount below what is required to pay off its lien in full unless it approves such reduction in payment prior to the final sale and in writing. Furthermore, Respondent is requesting that the closing take place within ninety (90) days from entry of the Order granting the Debtor's Motion.

WHEREFORE, Respondent, for itself, its successors and/or assigns, prays that this Court inquire as to the matters raised herein regarding the Debtor's Motion to Sell Property and enter such orders and require such further inquiry as may appear appropriate to the Court.

Dated: 3/22/22

/s/ Amanda Beckett
Amanda Beckett
AL State Bar No. ASB-1884-N75B
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Attorney for Respondent

CERTIFICATE OF SERVICE

I, Amanda Beckett of Rubin Lublin, LLC certify that I caused a copy of the Response to Motion to Sell Property to be filed in this proceeding by electronic means and to be served by depositing a copy of the same in the United States Mail in a properly addressed envelope with adequate postage thereon to the said parties as follows:

Noah Price Trey Oliver, III
4033 Marchfield Drive N.
Mobile, AL 36693

Stephen L. Klimjack, Esq.
1252 Dauphin St
Mobile, AL 36604

Daniel B. O'Brien
Chapter 13 Trustee
P.O. Box 1884
Mobile, AL 36633

Executed on 3/22/22

By: /s/ Amanda Beckett
Amanda Beckett
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Attorney for Creditor